

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Corbeil, et al.
Title: VACCINE BASED ON
ATTENUATED HAEMOPHILUS
SOMNUS
Appl. No.: 09/787,964
Filing Date: 09/25/1999
Examiner: Albert Mark Navarro
Art Unit: 1645

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. <u>Michelle Simpson</u> (Printed Name) <u>Michelle Simpson</u> (Signature) <u>10/7/03</u> (Date of Deposit)

**DECLARATION CONCERNING MAINTENANCE
OF BUDAPEST TREATY DEPOSIT OF MICROORGANISMS**

I, Stacy L. Taylor, declare:

1. I am a partner in the law firm of Foley & Lardner, attorneys of record for Applicant herein.
2. Viable samples of four (4) strains of *Haemophilus somnus* (strains 1P, 129 Pt, 130 Pt1 and 133 P) are on deposit with the American Type Culture Collection as, respectively, Patent Deposit Numbers PTA-600, PTA-601, PTA-602 and PTA-603. The deposit receipt for this material, evidencing a deposit date of September 1, 1999, is of record in this application.
3. On information and belief, the deposits will be maintained with the American Type Culture Collection (10801 University Blvd., Manassas, VA. 20110) under terms which are in accordance with the provisions of the Budapest Treaty. Upon issuance of a patent on this application, all restrictions on the availability of the deposited material to the public will be irrevocably removed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements are so made punishable by fine or imprisonment, or both, under Section 101 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Executed this 7th day of October, 2003, at San Diego, California.

Stacy L. Taylor
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